
DELEGATION OF AUTHORITY

1-115. Implementation of Executive Order 13202, "Preservation of Competition and Government Neutrality Towards Government Contractors' Labor Relations on Federal and Federally Funded Construction Projects" for Grants and Cooperative Agreements and Direct EPA Construction Contracts

1. PURPOSE: This Order redelegates certain authorities conferred on the Regional Administrator by Delegation 1-115 of the EPA Delegations Manual.
2. AUTHORITY: To approve exemptions for grants and cooperative agreements under Executive Order 13202 of February 17, 2001 (66 Fed. Reg. 11225, Feb. 22, 2001), "Preservation of Open Competition and Government Neutrality Towards Government Contractors' Labor Relations on Federal and Federally Funded Construction Projects," as amended by Executive Order 13208 of April 6, 2001 (66 Fed. Reg. 18717, April 11, 2001), "Amendment to Executive Order 13202, Preservation of Open Competition and Government Neutrality Towards Government Contractors' Labor Relations on Federal and Federally Funded Construction Projects." This authority includes:
 - a. approval of exemptions under section 5(a) of the Executive Order based on the need to avert an imminent threat to public health or safety or to serve the national security and
 - b. approval of exemptions under section 5(c) of the Executive Order for projects with a project labor agreement or other controlling document in effect, and at least one construction contract awarded, prior to February 17, 2001.
3. TO WHOM REDELEGATED: The Director of the Caribbean Environmental Protection Division and the Director of the Clean Water Division.
4. LIMITATIONS:
 - a. The authority of the redelegates to approve exemptions for grants and cooperative agreements is limited to those grants and cooperative agreements for which they have delegated approval authority; and
 - b. Prior to approving exemptions for grants or cooperative agreements under section 5(a) of the Executive Order, the Regional Administrator must consult with the Assistant Administrator of the relevant program office.
 - c. The authority to approve exemptions for direct EPA construction contracts is reserved for the Assistant Administrator for Administration and Resources Management and the Director of the Office of Acquisition Management.

ORDER

R-1200

5. ADDITIONAL REFERENCES:

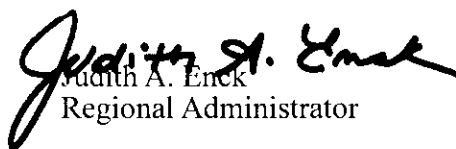
a. Requirements of 40 CFR Chapter I, Subchapter B, Grants and Other Federal Assistance, as applicable; other applicable program regulations, Federal assistance statutes, including the Federal Grant and Cooperative Agreement Act, P.L. No. 95-224, as amended, 31 USC § 6301 et seq.; EPA's Assistance Administration Manual, and the requirements of EPA Order Series 5700.

b. Region 2's standard operating procedures (SOPs) that set forth division-specific concurrence and approval protocols for processing funding recommendations and commitment notices in the Integrated Grants Management System (IGMS). For agreements funded with monies from outside the project officer's division, the SOPs require that the funds controllers in those divisions with budget authority be included in the IGMS commitment notice concurrence chain. In addition, Project Officers should consult the SOPs for the organization where the funds originated.

c. EPA Delegation 1-14-A, which gives the authority to execute grants and cooperative agreements to Regional Administrators, who may further redelegate.

d. EPA delegations and regional redelegations to approve grants and cooperative agreements.

6. SUPERSESSSION: This redelegation supersedes Regional Order R-1200 (redelegation of 1-115) dated April 19, 2004.


Judith A. Enck
Regional Administrator